

United States Court of Appeals For the First Circuit

No. 22-1257

WENDELL RIVERA-RUPERTO,

Petitioner - Appellant,

v.

UNITED STATES,

Respondent - Appellee.

Before

Barron, Chief Judge,
Lynch and Montecalvo, Circuit Judges.

JUDGMENT

Entered: February 16, 2023

Petitioner-Appellant Wendell Rivera-Ruperto seeks a certificate of appealability ("COA") to appeal from the denial of his § 2255 petition in the district court. After careful review of petitioner's submissions and of the record below, we conclude that that the district court's disposition of the petition was neither debatable nor wrong, and that petitioner has therefore failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2); see Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, Rivera-Ruperto's motion for a COA is denied.

We note, consistent with the district court judge's observations as to the proper manner for petitioner to pursue a request for reduction of his sentences, that Rivera-Ruperto has indeed filed such motions in two of his underlying criminal dockets, where they remain pending.

The appeal is hereby terminated.

So ordered.

By the Court:

Maria R. Hamilton, Clerk

cc: Wendell Rivera-Ruperto, Mariana E. Bauza Almonte, Linet Suarez